

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INVITAE CORPORATION,  
Plaintiff,

v.

NATERA, INC.,  
Defendant.

C.A. No. 21-cv-669-GBW

INVITAE CORPORATION,  
Plaintiff,

v.

NATERA, INC.,  
Defendant.

C.A. No. 21-cv-1635-GBW

**STIPULATION AND [PROPOSED] ORDER TO SUBSTITUTE PARTIES**

WHEREAS, the Plaintiff in the above-captioned actions, Invitae Corporation (“Invitae”), asserts U.S. Patent No. 10,604,799; U.S. Patent No. 11,149,308; and U.S. Patent No. 11,155,863 (collectively “the Patents-in-Suit”) against Natera, Inc. (“Natera”);

WHEREAS, following the bankruptcy of Invitae, this Court rescheduled the jury trial for September 8, 2025 (*see* D.I. 285 in No. 21-cv-669);

WHEREAS, briefing of the parties’ motions for summary judgment and *Daubert* was completed on November 13, 2023 and remain pending (*see* D.I. Nos. 210, 214, 216, 218, 221, and 224 in No. 21-cv-669) and a trial date is set for September 8, 2025;

WHEREAS, the parties agree that Invitae’s bankruptcy and the present request to substitute Laboratory Corporation of America Holdings as plaintiff does not alter the ripeness of parties’

motions for summary judgment and *Daubert* or impact the trial date;

WHEREAS, Invitae asserts that, in an August 2024 transaction, the Patents-in-Suit were assigned to Laboratory Corporation of America Holdings;

WHEREAS, in view of this asserted transfer of interest in the Patents-in-Suit, Invitae wishes to substitute Laboratory Corporation of America Holdings for Invitae as the plaintiff in these actions;

WHEREAS, Natera does not oppose this request to substitute, based on Invitae's assertions, while reserving all rights;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties and subject to the approval of the Court:

1. Laboratory Corporation of America Holdings ("Labcorp") is hereby substituted for Invitae Corporation as Plaintiff pursuant to Fed. R. Civ. P. 25(c),
2. This substitution shall not be deemed to establish that Labcorp has standing or that the Court has subject matter jurisdiction over the above-mentioned actions or to prevent Natera from challenging standing or subject matter jurisdiction; and
3. The Clerk is directed to change the case captions as follows:

LABORATORY CORPORATION OF  
AMERICA HOLDINGS,

Plaintiff,

v.

NATERA, INC.,

Defendant.

C.A. No. 21-cv-669-GBW

LABORATORY CORPORATION OF  
AMERICA HOLDINGS,

Plaintiff,

v.

NATERA, INC.,

Defendant.

C.A. No. 21-cv-1635-GBW

Dated: April 21, 2025

Respectfully submitted,

FARNAN LLP

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)  
Michael J. Farnan (Bar No. 5165)  
919 North Market St., 12th Floor  
Wilmington, DE 19801  
Tel: (302) 777-0300  
Fax: (302) 777-0301  
bfarnan@farnanlaw.com  
mfarnan@farnanlaw.com

/s/ Derek J. Fahnestock

Karen Jacobs (#2881)  
Brian P. Egan (#6227)  
Derek J. Fahnestock (#4705)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
kjacobs@morrisnichols.com  
began@morrisnichols.com  
dfahnestock@morrisnichols.com

Derek C. Walter (admitted *pro hac vice*)  
Jones Day  
555 California Street, 26th Floor  
San Francisco, California 94104  
Telephone: (415) 626-3939  
dwalter@jonesday.com  
*Attorneys for Plaintiff*

OF COUNSEL:

Eric Alan Stone  
Daniel J. Klein  
Eliza P. Strong  
Ariella C. Barel  
GROOMBRIDGE, WU, BAUGHMAN &  
STONE LLP  
565 Fifth Avenue, Suite 2900  
New York, NY 10017  
(332) 269-0030  
*Attorneys for Defendant Natera, Inc.*

IT IS SO ORDERED this \_\_\_\_ day of April, 2025.

\_\_\_\_\_  
The Honorable Gregory B. Williams